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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/934,695	08/23/2001	Stefan Boneberg	1748X/50331	1748X/50331 8405	
7590 07/01/2004			EXAM	EXAMINER	
CROWELL & MORING, L. L. P.			DUONG, THANH P		
P.O. Box 14300 Washington, DC 20044-4300			ART UNIT	PAPER NUMBER	
			1764		
			DATE MAILED: 07/01/200	DATE MAILED: 07/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/934,695	BONEBERG ET AL.			
		Examiner	Art Unit			
		Tom P Duong	1764			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the o	orrespondence address			
THE - Exte. after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing end patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed /s will be considered timely. I the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 23 August 2001.					
2a)[	This action is <b>FINAL</b> . 2b) ☑ This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	ion of Claims					
4)⊠	4)⊠ Claim(s) <u>1-9</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	5) Claim(s) is/are allowed.					
6)□	Claim(s) is/are rejected.					
-	Claim(s) is/are objected to.					
8)⊠	Claim(s) 1-9 are subject to restriction and/or ele	ection requirement.				
Applicati	on Papers					
9) The specification is objected to by the Examiner.						
10)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority ι	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau					
* See the attached detailed Office action for a list of the certified copies not received.						
A44- 1	W-3					
Attachmen  1) Notice	t(s) e of References Cited (PTO-892)	4) Interview Summary	(DTO 412)			
2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate			
3) 🔲 Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	5)  Notice of Informal P 6) Other:	Patent Application (PTO-152)			

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-4, drawn to a method for operating a gas-generation device for generating a hydrogen-rich gas, classified in class 48, subclass 197R.
- II. Claims 5-9, drawn to a gas-generation device for generating a hydrogen-rich gas, classified in class 48, subclass 61.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as

claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another materially different apparatus such as generating hydrogen gas from anaerobic process other than catalytic steam reforming.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Donald Evenson on 5/11/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 28, 2004 Tom Duong

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Glenn Caldarola Supervisory Patent Examiner Technology Center 1700